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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MERT DUYMAYAN,

Plaintiff(s),

v.

DISCOUNT FIREARMS & AMMO, LLC, et  
al.,

Defendant(s).

Case No. 2:25-cv-00227-JAD-NJK

ORDER

[Docket Nos. 1, 5]

13 Pending before the Court are Plaintiff's initial application to proceed *in forma pauperis*,  
14 Docket No. 1, and Plaintiff's second application to proceed *in forma pauperis*, Docket No. 5.

15 The Court may authorize the commencement of an action without prepayment of fees and  
16 costs, or security therefor, by a person who has shown an inability to pay such costs. 28 U.S.C. §  
17 1915(a)(1). A determination of whether the plaintiff has shown an inability to pay is a matter left  
18 to the discretion of the Court. *See, e.g., Flores v. Colvin*, 2014 U.S. Dist. Lexis 93236, at \*2 (D.  
19 Nev. May 22, 2014), *adopted*, 2014 U.S. Dist. Lexis 93234 (D. Nev. July 9, 2014). While an  
20 applicant need not be absolutely destitute to qualify for a waiver of costs and fees, the applicant  
21 must demonstrate an inability to pay those costs while still providing for the necessities of life.  
22 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

23 The applicant's affidavit must state the facts regarding the individual's poverty "with some  
24 particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.  
25 1981) (quoting *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). "Such affidavit  
26 must include a complete statement of the plaintiff's personal assets." *Duymayan v. FBI Las Vegas*,  
27 2025 WL 1089504, at \*1 (D. Nev. Mar. 21, 2025) (quoting *Harper v. San Diego City Admin. Bldg.*,  
28 2016 U.S. Dist. LEXIS 192145, at \*1 (S.D. Cal. June 9, 2016)). If an individual is unable or

1 unwilling to verify his or her poverty, courts may make a factual inquiry into the applicant's  
2 financial status and may deny a request to proceed *in forma pauperis*. See *McQuade*, 647 F.2d at  
3 940. "Misrepresentation of assets is sufficient ground[] for denying an *in forma pauperis*  
4 application." *Duymayan*, 2025 WL 1089504, at \*1 (citing *Kennedy v. Huibregtse*, 831 F.3d 441,  
5 443-44 (7th Cir. 2016)).

6 The record in this case raises serious concerns as to the accuracy and completeness of the  
7 affidavits submitted. First, Plaintiff attests on the one hand that he has no income of any kind, but  
8 also attests on the other hand that he has \$1,100 in monthly expenses for rent, utilities, and  
9 insurance. See Docket No. 1 at 1-2.<sup>1</sup> It is unclear how Plaintiff pays these bills if he, in fact, has  
10 no income of any kind. Second, Plaintiff's more recent application identifies for the first time a  
11 car valued at \$5,000. See Docket No. 5 at 2. If Plaintiff has owned this car for more than two  
12 months, it is unclear why he did not identify this asset on his initial affidavit. If Plaintiff has  
13 recently acquired this car, it is unclear how he could afford to do so since he attests to having no  
14 income. Third, the information Plaintiff attests to in this case differs from his affidavits filed  
15 elsewhere around the same time.<sup>2</sup> For example, on February 3, 2025, Plaintiff attested in this case  
16 to having \$2,000 in stocks. Docket No. 1 at 2. Two days later on February 5, 2025, Plaintiff  
17 attested elsewhere to having \$3,000 in stocks. See, e.g., *Duymayan v. Bank of Am.*, Case No. 2:25-  
18 cv-00248-GMN-DJA, Docket No. 1 at 2 (D. Nev. Feb. 5, 2025).

19 In light of the circumstances, the pending applications to proceed *in forma pauperis* are  
20 both **DENIED** without prejudice. If Plaintiff wishes to avoid payment of the filing fee, he must  
21 complete the long form application to proceed *in forma pauperis*. The Clerk's Office is  
22 **INSTRUCTED** to send Plaintiff the long form application to proceed *in forma pauperis* used by  
23 non-prisoners. All questions must be answered truthfully and completely. If Plaintiff attests to  
24 having no income, he must file a separate statement explaining how he pays his monthly bills  
25 without any source of income. Plaintiff must also identify the date and circumstances in which he

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26 <sup>1</sup> The second application raises the monthly expenses calculation to \$1,450. See Docket  
27 No. 5 at 2.

28 <sup>2</sup> Plaintiff filed a number of different cases in this District in quick succession.

1 obtained the car identified on his more recent explanation. This long form application to proceed  
2 *in forma pauperis* (and separate statement, as applicable) must be filed by May 5, 2025. In the  
3 alternative, Plaintiff may pay the full filing fee by May 5, 2025.

4 **Failure to comply with this order may result in a recommendation of dismissal.**

5 IT IS SO ORDERED.

6 Dated: April 14, 2025

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10 Nancy J. Koppe  
11 United States Magistrate Judge  
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